

1 THE HONORABLE ANITA NEAL ESTUPINIAN

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6  
7 SQUAXIN ISLAND TRIBAL COURT  
8 SQUAXIN ISLAND RESERVATION

9 IN RE:

Case No.: CI-

10 PETITION FOR NAME CHANGE (ADULT)

11 Note on Motion Calendar:  
12 DAY, MONTH, YEAR TIME

13 \_\_\_\_\_, Petitioner

14 COMES NOW \_\_\_\_\_ and petitions the above-entitled court for an order changing his/her name to  
15 \_\_\_\_\_ and shows the court as follows:

- 16 1. Petitioner was born on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in \_\_\_\_\_ County, State of \_\_\_\_\_;  
17 is a resident of the Squaxin Island Tribe's Reservation, located within Mason County, Washington; and is  
18 a citizen/legal resident of the United States of America.
- 19 2. Petitioner has been known as \_\_\_\_\_ for a period of \_\_\_\_\_ and requests that this court  
20 change his/her name to \_\_\_\_\_ for the reason that: [explain all the reasons for requesting a name  
21 change]
- 22 3. This petition is not made to avoid creditors or for an illegal or fraudulent purpose, but for the bona fide  
23 purpose of changing the petitioner's name to the name by which he/she has been and prefers his/her  
24 name to be referred.
- 25 4. I am not under the jurisdiction of the department of corrections.
5. I am not required under tribal law, SITC § \_\_\_\_\_ or state law, RCW 9A.44.130 to register as a sex  
offender.

1  
2 WHEREFORE, petitioner prays that his/her name be changed by order of this court from:

3 \_\_\_\_\_ to \_\_\_\_\_ and that the  
4 latter be in place of the former.

5  
6 \_\_\_\_\_  
Petitioner

7 STATE OF WASHINGTON )  
8 ) ss.  
COUNTY OF MASON )

9 \_\_\_\_\_, being first duly sworn, upon oath, deposes and says that: I am the petitioner above-named and I  
10 have read the foregoing Petition for change of Name, know the contents thereof and believe the same to be true.

11 \_\_\_\_\_  
Petitioner

12 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

13  
14 \_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
15 Residing in \_\_\_\_\_ (city)  
My appointment expires: \_\_\_\_\_  
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1 THE HONORABLE ANITA NEAL ESTUPINIAN

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7 SQUAXIN ISLAND TRIBAL COURT  
8 YOUTH COURT  
9 SQUAXIN ISLAND RESERVATION

10 IN RE:

Case No.: CI-

11 PETITION FOR NAME CHANGE (MINOR)

12 Note on Motion Calendar:  
DAY, MONTH, YEAR TIME

13 \_\_\_\_\_, Petitioner

14  
15 COMES NOW \_\_\_\_\_ as guardian of minor child \_\_\_\_\_ and petitions the above-entitled court for an  
16 order changing minor child's name to \_\_\_\_\_ and shows the court as follows:

- 17
- 18 1. Minor child was born on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in \_\_\_\_\_ County, State of  
19 \_\_\_\_\_; is a resident of the Squaxin Island Reservation, within Mason County, Washington; and is a  
20 citizen/legal resident of the United States of America.
  - 21 2. Minor child has been known as \_\_\_\_\_ for a period of \_\_\_\_\_ and requests this court to  
22 change his/her name to \_\_\_\_\_ for the reason that: [explain all the reasons for requesting a name  
23 change]
  - 24 3. This petition is in the best interest of the minor child and not made for any illegal or fraudulent purpose,  
25 but for the bona fide purpose of changing the minor child's name to the name by which he/she has been  
and prefers his/her name to be referred.

1 WHEREFORE, petitioner prays that minor child's name be changed by order of this court from:

2 \_\_\_\_\_ to \_\_\_\_\_

3  
4 and that the latter be in place of the former.

5  
6 \_\_\_\_\_  
7 Petitioner

8 STATE OF WASHINGTON )  
9 ) ss.  
10 COUNTY OF MASON )

11 \_\_\_\_\_, being first duly sworn, upon oath, deposes and says that: I am the petitioner above-named and I  
12 have read the foregoing Petition for change of Name, know the contents thereof and believe the same to be true.

13 \_\_\_\_\_  
14 Petitioner

15  
16 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_ 20 \_\_\_\_.

17 \_\_\_\_\_  
18 Notary Public in and for the State of \_\_\_\_\_  
19 Residing in \_\_\_\_\_ (city)  
20 My appointment expires: \_\_\_\_\_  
21  
22  
23  
24  
25

**C**

WEST'S REVISED CODE OF WASHINGTON ANNOTATED  
TITLE 4. CIVIL PROCEDURE  
CHAPTER 4.24. SPECIAL RIGHTS OF ACTION AND SPECIAL IMMUNITIES  
4.24.130. Action for change of name--Fees

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections not fewer than five days before the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) A sex offender subject to registration under RCW 9A.44.130 who applies to change his or her name under subsection (1) of this section shall follow the procedures set forth in \*RCW 9A.44.130(6).

(4) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

(5) Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in RCW 26.50.010(1) and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.

CREDIT(S)

[1998 c 220 § 5; 1995 sp.s. c 19 § 14; 1995 c 246 § 34; 1992 c 30 § 1; 1991 c 33 § 5; Code 1881 § 635; 1877 p 132 § 638; RRS § 998.]

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

\*Reviser's note: RCW 9A.44.130 was amended by 1999 sp.s. c 6 § 2, changing subsection (6) to subsection (7).

Severability--1998 c 220: See note following RCW 9A.44.130.

Findings--Purpose--Short title--Severability--Effective date--1995 1st sp.s. c 19: See notes following RCW 72.09.450.

Severability--1995 c 246: See note following RCW 26.50.010.

Effective date--1991 c 33: See note following RCW 3.66.020.

Laws 1991, ch. 33, § 5, substituted "district court of the judicial district" for "superior court of the county"; and neutralized gender.

Laws 1992, ch. 30, § 1, added the second paragraph.

Laws 1995, ch. 246, § 34, designated existing provisions as subsec. (1) and added subsec. (2) [now subsec. 4].

Laws 1995, 1st Sp.Sess., ch. 19, § 14, inserted a new subsec. (2); and designated the former second and third sentences of subsec. (1) as subsec. (3); and redesignated former subsec. (2) as subsec. (4).

Laws 1998, ch. 220, § 5, inserted a new subsec. (3) relating to a change of name; and redesignated the following subsections accordingly.

#### Source:

Laws 1877, p. 132, § 638.

RRS § 998.

#### CROSS REFERENCES

Change on dissolution of marriage, legal separation, or invalidity, see § 26.09.150.

Filing and recording name change order by county auditor, see § 36.22.200.

Offenders under jurisdiction of corrections department, use of name during all official communications with department, see § 72.09.540.

#### LIBRARY REFERENCES

1988 Main Volume

Names ☞ 20.

Westlaw Topic No. 269.

C.J.S. Names §§ 7, 21 to 28.

#### RESEARCH REFERENCES

##### Forms

Am. Jur. Pl. & Pr. Forms Name § 5, Statutory References.

##### Treatises and Practice Aids

1 Wash. Prac. Series § 23.2, Statutory Method.

1 Wash. Prac. Series § 23.3, Jurisdiction of Court.

1 Wash. Prac. Series § 23.5, Petition for Change of Name.

1 Wash. Prac. Series § 23.9, Name Change in Dissolution Proceedings.

1 Wash. Prac. Series § 23.10, Change of Child's Name in Dissolution and Paternity Proceedings.

19 Wash. Prac. Series § 22.15, Other Rights and Privileges Based Upon Age.

20 Wash. Prac. Series § 41.2, Change of Name.

## NOTES OF DECISIONS

Dissolution of marriage 4

Guardians 3

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Paternity 5

Right to use any name 1

### 1. Right to use any name

Right to use any name. Op.Atty.Gen.1927-28, p. 508.

### 2. Minors, in general

In proceeding for change of child's surname, trial court is required to enter finding on issue of whether name change serves child's best interests. *Daves v. Nastos* (1985) 105 Wash.2d 24, 711 P.2d 314. Names 20

### 3. Guardians

Child's guardian or guardian ad litem must become active participant where name change is at issue in paternity proceeding, and under appropriate circumstances, must obtain independent legal counsel to represent child. *Daves v. Nastos* (1985) 105 Wash.2d 24, 711 P.2d 314. Guardian And Ward 28; Infants 85; Infants 90

### 4. Dissolution of marriage

There is no provision in the dissolution statutes, § 26.09.010 et seq., for change of a child's name. *Hurta v. Hurta* (1979) 25 Wash.App. 95, 605 P.2d 1278. Names 20

Father proceeded improperly in filing a petition for

modification of the dissolution decree to show a different surname for the child born subsequent to the dissolution; but even if the application for name change had been properly made, the court would have had to deny the petition since there was nothing in the record to show that the proposal was considered from the standpoint of the child, whose best interests are controlling. *Hurta v. Hurta* (1979) 25 Wash.App. 95, 605 P.2d 1278. Divorce 164

It is not legally necessary for previously married woman to seek and obtain court order under §§ 4.24.130 or 26.09.150 to change her last name following dissolution of marriage. Op.Atty.Gen.1985, No. 10.

### 5. Paternity

In action to determine paternity, putative father's request for relief in form of an order directing mother to change child's surname to his could be considered by trial court over objection of mother, even though request was not addressed in any pleading, but was raised for first time at trial. *Daves v. Nastos* (1985) 39 Wash.App. 590, 694 P.2d 686, review granted, appeal decided 105 Wash.2d 24, 711 P.2d 314. Children Out-of-wedlock 41

West's RCWA 4.24.130, WA ST 4.24.130

Current with 2006 legislation effective through March 15, 2006

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END OF DOCUMENT

WEST'S WASHINGTON LOCAL RULES OF COURT AND WEST'S WASHINGTON COURT RULES  
YAKIMA COUNTY  
DISTRICT COURT  
LOCAL RULES FOR YAKIMA COUNTY DISTRICT COURT  
CIVIL RULES

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Current with amendments received through 10/1/2005

L-CRLJ 65. NAME CHANGES

- (a) Separate Petitions Required. A separate petition shall be filed for each **name** a party wishes **changed**.
- (b) Hearing. All hearings on petitions for **name changes** shall be in open court and on the record.
- (c) Minors.
  - (1) *Birth Certificate*. A certified copy of any minor applicant's birth certificate or suitable identification must be presented to the clerk for verification and copying.
  - (2) *Parental Notification*. A parent or guardian who has not consented in writing to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication as provided in CRLJ 4.
  - (3) *Notice by Publication*. Publication of a single notice in a newspaper of general circulation in the county of the parent or guardian's last known residence shall be sufficient so long as the notice contains a hearing date, the **name** of the minor, the **name** the petitioner desires the child to assume, and sets forth the reasons for requesting the **change of name**.
- (d) Contents of Petition. A petition for **change of name** must be sworn under oath and state the following:
  - (1) The Petitioner's full present **name** and the full **name** the petitioner wishes to assume;
  - (2) The Petitioner's date of birth;
  - (3) That the Petitioner resides in Yakima County;
  - (4) The reason for the request;
  - (5) The application is not made for any illegal or fraudulent purpose;
  - (6) The **name change** will not be detrimental to the interests of any other person;
  - (7) The **name** of the Petitioner's father and mother, or, if brought on behalf of a minor, the **name** of the minor's father and mother;
  - (8) Whether the Petitioner is subject to the jurisdiction of the Washington State Department of Corrections and, if so, that Petitioner has provided a copy of the Petition to the Department at least five days before any hearing on the name change request;
  - (9) Whether the Petitioner is subject to the sex offender registration laws of the State of Washington and, if so, that Petitioner has provided copies of the Petition to the county sheriff and the Washington State Patrol at least five days before any hearing on the **name change** request.



(e) Contents of Proposed Order. A Petitioner for **change of name** must file a proposed Order **Changing Name** that includes the following:

(1) The Petitioner's full **name**;

(2) The full **name** Petitioner seeks to assume;

(3) If the Petition is brought on behalf of a minor, a finding that both parents or guardians consent to the **change**, or that a non-consenting parent was served with notice of the proposed **change** as required by these rules, or that a non-consenting parent's legal rights were previously terminated by court order;

(4) A finding whether the Petitioner is subject to the jurisdiction of the Washington State Department of Corrections and, if so, whether Petitioner provided a copy of the Petition to the Department at least five days before the Order is to be entered;

(5) A finding whether the Petitioner is subject to the sex offender registration laws of the State of Washington and, if so, whether Petitioner provided copies of the Petition to the county sheriff and Washington State Patrol at least five days before the Order is to be entered;

(6) A finding that the Petition is not made for illegal or fraudulent purposes;

(7) A finding that the **change of name** will not be detrimental to the interests of any other person;

(8) If the Petition is brought on behalf of a minor, a finding that the **name change** is in the best interests of the minor.

[Effective September 1, 1997. Amended effective September 1, 1998.]

Yakima County District Court Rules, L-CRLJ 65

WA R YAKIMA DIST CT L-CRLJ 65

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